Motion for Adjournment for Purposes of Debate.

President.—Mr. A. Sankara Puduval has given notice of a motion for adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance. Will you kindly tell me what the urgency of the matter is, and what the public importance is, so that I may be satisfied?

Mr. A. Sankara Puduval.—Sir, the non-official Members of this House have been asked by Government to inspect the various institutions of the State, and in such places where visitors' books are maintained Members are generally asked to note down their impressions. My adjournment motion relates to an unfortunate incident that took place in regard to the remarks made by a Member of this House in the visitors' book in the Kuriarkutti Hospital.* He visited the Hospital, and noted down his remarks subscribing them as a Member of this Council. Now, I have been furnished with a true copy of the memo issued by the Sub-Assistant Surgeon of the Kuriarkutti Dispensary to that Member, as directed by the Chief Medical and Sanitary Officer, to expunge those remarks from the visitors' book and characterising them as "unwarranted and impertinent". This particular Member, I may say, for the information of the House, is also a Member of the Special Finance Committee. Some of the non-official Members of this House met in consultation yesterday. The Member got the copy of the order only yesterday. We look upon it as a slight upon the non-official Members. The Member noted down his impressions fearlessly and honestly, and if the Head of the Department should characterise them

---

*"5th November 1926. I visited the Hospital this morning. I had a look round the place. The supply of medicine seems to be satisfactory. There are no in-patients on the day that I visited. The Dispensary is kept well. The quantity of quinine supplied seems to be less than the quantity usually supplied. It is a disgrace that the Government should grudge expenditure even in the matter of purchase of quinine in a malarial place. On enquiry I found out that the Medical Officer in charge is carrying on experiment with cinchona febrifuge. This is not the place, nor the poor devils for whose benefit the Dispensary is established, the proper subjects for experiment. The only other point I wish to bring to the notice of the authorities is the poor pay given to the Medical Officer in charge of this place. He is living in a malarial place and has no private practice whatsoever. Therefore, it would be proper to increase the pay or give a special allowance at least equal to the pay. The same remarks apply to all the other officers and servants of this institution. I also find the C. M. O. unnecessarily visits certain hospitals. He seems to think that it is not worth his while to visit this institution. No comments necessary."

(Sd) A. R. MENON, M. L. C."

LIBRARY ARCHIVES Kerala Legislative Assembly

as "unwarranted and impertinent," he is offending the dignity and prestige of the Council (*Shame, shame*). And the matter is extremely urgent, for, tomorrow, many of us, non-officials, might visit other Government institutions and offer our remarks, which may not often be complimentary and palatable. We shall not pocket such unparliamentary and offensive expressions from any one of the Heads of Departments, whatever be his position and status. The matter referred to is an invasion of the rights and privileges of respectable citizens. This is also a very serious injury done to the prestige of the non officials. If, as we could gather from this order of the Chief Medical and Sanitary Officer, he took the initiative, of his own accord, and without the sanction of the Government, the procedure is unwarranted and discourteuos as well. A visitors' book is not a register of petitions, and the remarks made by a visiter do not call for any order or memo. The Government might have taken note of the suggestions, and either accepted or registered them. We consider the issue of the memo to the Member quite improper. The action of the Member is unwarranted and discourtous. It is repugnant to the best interests of the public, and the language used is unparliamentary and reprehensible in the highest degree. The matter is so extremely urgent that our further continuance as Members of this Council would depend upon the decision of this question.

President.—Is not the Head of the Department amenable to the ruling of the Government? Now that it has been brought to the notice of the Government, the Government will investigate the question, and will take proper steps.

Mr. A. Sankara Puduval.—We have a right to vindicate our rights here. We also declare that we are not in any way concerned with any particular individual, and that we have not come here with any sinister motive or aim in view. My request is for the vidication of the rights and privileges of the non-official Members of this Council. The remarks made by the officer concerned constitute an insult to the whole House in general, and to non-official Members in particular. Such a communication from an official Member to a non-official one is unwarranted and unjustifiable.

President.—If, on a consideration of the facts, the Government consider that this particular Head of the Department has gone out of his way in passing such a remark, it is open to the Government to take such steps as are necessary in the matter. Because one particular Head of a Department has behaved in

LIBRARY ARCHIVES Kerala Legislative Assembly

a particular manner, is this subject to be discussed in the Council?

Mr. A. Sankara Puduval.—May I know, if this order was communicated with the permission either of the Diwan or of the Government?

President.—No.

Mr. A. Sankara Puduval.—I am very glad to hear that. The Council is to see that such things do not occur hereafter. An unqualified apology should be tendered by the Member to the whole House and not to any particular Member. The Government, if it finds that the action of the Head of a Department was discourteous, should deal departmentally with the officer concerned. We, the non-official Members, as a body, feel it a very serious insult to this august assembly, in which we are the representatives, and I vehemently assert that reparation should be offered on the very floor of this House.

President.—Has this any reflection on the non-official Members of the House? The facts appear to be as follows.—One of the non-official Members of the Council happened to visit a dispensary, and he passed certain remarks in the visitors' book, and these remarks were forwarded to the Chief Medical and Sanitary Officer in the ordinary course of business by the Sub-Assistant Surgeon. The Chief Medical and Sanitary Officer took objection to the remarks made by that Member, and added his own remarks in regard to that. So that it appears to me on the very face of it as a personal matter. I am putting forward one aspect for consideration. There may be grounds to consider it as a matter affecting the interest and prestige of the non-official Members. Certain remarks made by one Member of the Council in the visitors' book were communicated in the ordinary course of business to the Chief Medical and Sanitary Officer who took objection to the language used in the visitors' book. That is the situation in which we are now placed. The matter has now been brought to the notice of the Government, and it is a matter for consideration. The Government may say that he should not have done so. This happens to be a sort of unpleasant controversy between a non-official Member on the one side and the Head of a Department on the other.

Mr. A. Sankara Puduval.—I am not at all concerned with the private aspect of this question. I entirely ignore it. Tomorrow another Head of a Department may call us hare-brained, fools and block-heads for a fearless but well-intentioned expression of honest opinion in the interests of the public. This action on the part of an official Member is a gross violation of

LIBRARY ARCHIVES Kerala Legislative Assembly

the rights and privileges of the Council. It would be discourteous on the part of anybody to do so and more so on the part of the Head of a Department. We are not vindictive to anybody. The mistake committed must be admitted on the floor of this House, and an unqualified apology tendered. If not, we beg leave to have it discussed in the Council and to take adequate measures. If that could not be done, we have resolved on the procedure to be adopted.

Mr. C. Achyuta Menon.—There is another aspect of the question to be considered. Are the remarks made by a gentleman outside the Council who happens to be a Member of this Council to be taken as made by a Member of the Council?

Mr. A. B. Salem.—If this is allowed, I have also much to say upon it. The question here is whether we should discuss the matter in hand or not. If other aspects are presented, I have also some aspects to be presented.

Mr. C. Achyuta Menon.—I quite agree with you.

President.—I have heard and considered all that has been said on the subject, and I now give my order on it. I have considered the *pros* and *cons* in connection with this adjournment motion. What appears on the facts is that a non-official Member of this House visited a Sirkar dispensary, and passed certain remarks in the visitor's book. Those remarks were communicated in the usual course of things to the Chief Medical and Sanitary Officer. The latter on a perusal of them took objection to the language of the remarks, and characterised the remarks themselves as unwarranted and impertinent. A memo was sent to the visiting Member on the subject.

The question for consideration is whether this is a matter of urgent public importance, and whether I should consent to a discussion of the motion by way of an adjournment motion. Having examined the matter from all points of view, I am of opinion that the motion is not in order. This appears to me more in the nature of a conflict between two persons. Dr. A. R. Menon, an M. L. C. on the one hand, and the Chief Medical and Sanitary Officer, also an M. L. C., on the other, and I fail to see what public importance there is in such a matter. I am also not satisfied that this is an urgent matter. I am, therefore, unable to give my consent to the adjournment motion being made.

Mr. A. Sankara Puduval.—I feel I cannot sacrifice the dictates of my conscience by continuing in this assembly, whose dignity, from my point of view, has been grossly violated. I cannot also appreciate the mentality of the President who passed such a ruling disallowing the discussion of such an

LIBRARY ARCHIVES Kerala Legislative Assembly

important topic. We shall be failing in our duty to the people, we shall be untrue to our conscience and untrue to the pledges which we have made on oath before our beloved Ruler, the Maharaja, if we continue to remain here. So I walk out, and I hope that those of my non-official colleagues who agree with my view will do likewise. (Some of the non-official Members walked out.)

Dr. A. R. Menon.—I would like to express a few words before I also go out. I do not wish to enter into the merits of the question. That business I shall do outside the Council Hall, and I can assure you that nobody will insult me with impunity. It is only fair to you, Sir, to say that I am extremely gratified to know that you have no hand in this unpleasant affair. But let me warn you, Sir, that at a time, when you have grave problems to solve, you should make it a principle that no officer shall go beyond his province to create mischief.

President.—Is this warning necessary to me? We know what our duties are, and we have carried them out to the best of our knowledge and ability.

Dr. A. R. Menon.—I beg your pardon, Sir, but allow me to observe that I know my duty as well as you do yours.

President.—In my capacity as the President of this Council, I passed a ruling on a certain point. Perhaps, the ruling may not be appreciated. But why all this talk about it? Unfortunately, there is a difference of opinion, and thereby the principle of my ruling may not be appreciated. I can only use the best of my powers. I do not say I am infallible. It is the spirit in which I gave the ruling that is criticised. I always act *bona fide* in these matters. There is no necessity to convey a warning to me or to the officers of the departments who are doing their duty.

Dr. A. R. Menon.—Now, Sir, what is my position here? I am the representative of His Highness on the opposition bench. That is my position. I have no respect, no fear of *anybody* in performing my duty to the public. My function I have discharged, and shall continue to do so irrespective of the consequences.

President.—You are in the opposition. You are opposing, as you are bringing without proper grounds unhealthy criticisms on the Government. It is difficult to argue with you, as your judgment is sometimes upset by emotion. Otherwise, you will be able to talk freely, peacefully and calmly. I am sorry to say that, although I have a great regard for your judgment, it is sometimes upset, and therein lies the difficulty. I can see that you are in the opposition, and admit that Government

LIBRARY ARCHIVES Kerala Legislative Assembly

measures must be criticised freely and boldly, and that we are not here to be praised by non-official Members. We can stand criticism, but only a proper one, and it is only by criticism that the administration of the affairs of a State can be carried out efficiently. I am perfectly aware of all these. The Diwan has done a lot of things. The Heads of Departments have done a lot of things, and you will not be doing your duty properly, if you fail to direct criticisms. Of course, great statesmen have always the fashion of blaming the Government in all things. And the Government must be prepared to bear all criticisms. So long as I am here in my capacity as Diwan-President, I am prepared to face all criticisms—otherwise, I will have to leave the place. You are here to criticise Government measures. We understand your attitude. But I only take objection to the holding out of a warning to me, and I have a right to do so.

Dr. A. R. Menon.—Can I not have an equal right with you to discuss these problems? I simply stated that, when grave problems are facing us, we should not create unnecessary dissensions. That is what I said.

President.—Do we not all these? Should we be warned about these things?

Dr. A. R. Menon.—I simply made a statement of the state of affairs. It was not my intention to offend anybody.

President.—But I took objection only to your employing the word 'warning'.

Dr. A. R. Menon.—I can't help it. That does not offend anybody.

President.—I take equal objection to that also. Members do not agree to my views but characterise my rulings.

Dr. A. R. Menon.—Did I say a word to that effect?

President.—Let not such language be used. Be careful about your language. If you have anything to say, say it freely and boldly, but do not use such language which is likely to offend anybody.

Dr. A. R. Menon.—I have not knowingly used any such language. You could have called me to order, if, as you say, I have used unparliamentary and offensive language. If people get offended without cause, I can't help it. (*He also walked out of the Hall.*)

Dr. A. G. Menon —I have certain things to say.

President.—Is it anything about the matter that is under discussion? You cannot speak anything on it.

Dr. A. G. Menon.—I have to make a statement by way of personal explanation.

LIBRARY ARCHIVES Kerala Legislative Assembly

President.—If it is anything general, I cannot allow it. But on the other hand, if it is anything personal, I think I can allow it.

Dr. A. G. Menon—It may have a bearing on the subject under discussion. I cannot definitely say.

President.—Then, I cannot allow it.

Dr. A. G. Menon.—I bow to your decision, and I follow the majority. (He too walked out of the Hall.)

Mr. A. B. Salem.—I would like to give a personal explanation. I am not here to question the rulings or anything else that is taking place in this House, or as to whether the remarks were justified or whether the acceptance of the order was justifiable. Nothing of that sort. I am only keen upon the rights of free discussion which have been curtailed by this ruling.

President.—That is not your personal explanation.

Mr. A. B. Salem.—Hear me, Sir. Our mouths have been shut by your exercise of the rights, and we have to submit to that exercise of rights. You have a right to give us consent to discuss a certain thing. You have also the right to refuse us consent to discuss a certain thing. Now, you have exercised the latter power. I cannot appreciate that ruling. I would have sat here.. But I cannot appreciate that ruling at all, as the ruling is by way of throttling the discussion in this House. Upon the merits of the question, here is a charge against one M. L. C.

Pesident.—I cannot allow any further discussion.

Mr. A. B. Salem.—I am sorry to say I cannot appreciate it, and I walk out on that ground alone. (He left the Chamber.)

President.—I want to know whether it is a permanent or a temporary walk-out.

There was no answer. The President then struck the gong. The Secretary was requested by the President to ascertain who all are the walk-outs. These are the Members who have walked-out:—

1	Mr.	I. E. Ambooken	10	Mr.	K. T. Mathew
2	,,	Chakko Cheruvathur	11	,,	S. F. Nunez
3	,,	A. Eachara Menon	12	,,	N. Padmanabha Menon
4	Dr.	A. G. Menon	13	,,	K. S. Rama Ayyar
5	Mr.	E. Ikkanda Wariar	14	,,	T. A. Ramachandra Ayyar
6	,,	M. Krishna Menon	15	,,	M. K. Raman
7	,,	P. Kunju Muhammad	16	Dr.	A. R. Menon
8	,,	C. A. Kunjunni Raja	17	Mr.	A. Sankara Puduva
9	Sy.	T. Madhavi Amma	18	,,	A. B. Salem

President.— I very much regret this walk-out incident; but it cannot be helped. In my capacity as the President of

LIBRARY ARCHIVES Kerala Legislative Assembly

this Council, I have had to pass rulings, and I should not be swayed by the consideration that, if I would not be ruling in a particular manner, Members would walk out. My opinions are independent of these considerations, and after considering the facts to the best of my ability, I pass these rulings. Nobody possesses the right to question the soundness of my rulings or to say that I am prejudiced in the matter of giving rulings. I am very sorry that this incident took place, and I am equally sorry to find that the cordial co-operation which I expected from the Members has not been forthcoming. I have only this much to say, before I proceed to the next item of business.

A BILL AMEND THE COCHIN CODE OF CRIMINAL PROCEDURE.

Mr. K. Achyuta Menon.—Sir, I beg to move that the Bill to amend the Cochin Code of Criminal Procedure be read in Council.

Mr. T. K. Krishna Menon.—Sir, I second it.

Mr. K. Achyuta Menon.—I have not got much to say about the principle of the Bill. The object is to provide for the summary trial of certain cases under the Nuisance Regulation that are now being ordinarily tried by the First and Second Class Magistrates. The Criminal Procedure Code provides for such trials in regard to certain offences. Along with the Bill I had submitted the section also as amended, which runs thus:—

"Of offences under the Municipal and Sanitary Improvement Regulation and the Conservancy portion of the Police Regulation, and offences under the Nuisance Regulation, Regulation IV of 1098, punishable with fine or with a term of imprisonment not exceeding one month."

President.—What is the advantage you get by the amendment?

Mr. K. Achyuta Menon.—It may take much of the time of the Magistrates, if these offences are tried elaborately by the Magistrates. The offences under these Regulations are not so very serious and important as to require a regular trial. They are only offences punishable with fine or a term of imprisonment not exceeding one month.

President.—Anybody wishing to take part in the discussion of the Municipal Amendment Regulation?

(None spoke.)

The motion was then put to the vote and carried.

Mr. T. K. Krishna Menon.—The title of the Bill is "A Bill to amend the Cochin Code of Criminal Procedure".

Mr. K. Achyuta Menon.—I do not think that the House

LIBRARY ARCHIVES Kerala Legislative Assembly